



TO AF

PATENT  
ATTORNEY DOCKET NO.: 041094-5028

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Ryosaku NAKATA ) Confirmation No.: 9228  
Application No.: 10/538,080 ) Group Art Unit: 2836  
Filed: October 25, 2005 ) Examiner: S. Bauer  
For: DEVICE FOR PROTECTION )  
FROM THUNDER )

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Window  
Alexandria, VA 22314

Sir:

**NOTICE OF APPEAL TO THE BOARD OF  
PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated October 18, 2006 finally rejecting claims 1, 2, and 5 of the above-identified application.

04/19/2007 JADDO1 00000028 500310 10538000  
01 FC:1253 1020.00 DA  
02 FC:1401 500.00 DA

1. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.
- Applicants request an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total Months <u>Requested</u>	Fee for <u>Extension</u>	[Fee for Small Entity]
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input checked="" type="checkbox"/> three months	<b>\$ 1,020.00</b>	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

- An extension for three (3) months has already been secured and the fee paid therefor of \$1,020.00 is deducted from the total fee due for the total months of extension now requested.
- The Commissioner is authorized to charge necessary fees for such extension of time to Deposit Account No. 50-0310. The amount is **\$0.00**.

2. Notice of Appeal Fee - 37 C.F.R. § 41.20(b)

- The Commissioner is authorized to charge the appeal fee of **\$500.00** to Deposit Account No. 50-0310.

3. Fee Payment

- The Commissioner is authorized to charge Deposit Account No. 50-0310 in the amount of **\$500.00** representing the Notice of Appeal fee.

4. Constructive Petition

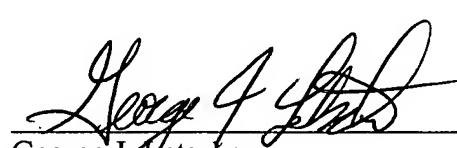
- Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: April 18, 2007

By:

  
George J. Letscher  
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